

equipment. The Davis, Jr., et al. '292 Application identifies inventory, tracks inventory, outflows, and inflows, and manages inventory during the conversion from its status from inventory to valued asset to establish the provenance and authenticity of the piece of equipment. This is done to facilitate the identification of equipment used in a game that can subsequently be sold as sports memorabilia.

The Application system incorporates a tagging device to attach identification tags to each piece of equipment. A scanner is used to read information associated with the tags, and that information is then delivered to a server for storage. After a "value transforming event," the equipment is removed from regular inventory so that it can be sold. Equipment that has not undergone this valuation transformation is returned to inventory.

Information that is stored on the server can include a description of the item's physical properties, the history of the item, including the date and event that transformed the item into a valued asset, and the ownership history of the item, as well as other information that one would find associated with a piece of sport's memorabilia. The tag on the item is associated with the readily retrievable server-stored information so that the authenticity of the item can be easily verified.

#### *THE CLAIMS*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, and 5 of the application should be rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al, (U.S. Pat. No. 5,963,134) in view of McWilliam et al., (WO 01/88884).

Bowers '134 relates to an inventory and circulation control system wherein items are maintained in a storage area, with each item having a radio frequency tag attached thereto. Items can be checked out (issued) to patrons with unique patron identification information. Items are then flagged in a database as being issued to the patron, and are de-flagged upon return of the item.

Claim 1 of the Application reads as follows:

1. A method of equipment management and identifying assets for a sports team comprising the steps of
  - a. receiving equipment;
  - b. affixing a barcode to said equipment;
  - c. identifying said equipment by scanning said barcode with a scanning device;
  - d. classifying said equipment by equipment group;
  - e. turning a group flag on for a potential asset group;
  - f. issuing said equipment;
  - g. assigning said equipment to an individual profile;
  - h. turning an individual flag on for an asset-creating event;
  - i. recording the return of said equipment after an asset creating event;
  - j. recording the usage, in said asset-creating event, of said equipment;
  - k. turning an event flag on for equipment used in said asset creating event;
  - l. determining if said equipment is not an asset by checking for a group flag, an individual flag, and an event flag;
  - m. deactivating said asset.

With regard to claim 1, Bowers discloses an inventory control system for use in a library. Unique Radio Frequency (RF) tags are attached to each piece of inventory in the library. See Bowers '134 column 2, lines 1 – 4. Inventory items are identified by an interrogator unit that scans the unique RF tags when they pass through the scanning zone and updates the circulation status of the item in an inventory database. See Bowers '134 column 2, line 59, through column 3, line 5. The inventory is classified into certain groups according to its “article identification information” which can include a library call number, a predetermined location in the library storage system, and bibliographic data, including title, author, publisher and the like. See Bowers '134 column 10, lines 22 – 48. Items are issued to (“checked out by”) patrons with unique patron identifying devices (column 4 lines 3 – 4) and the database is updated to show that the specific patron has checked out the specific piece of inventory, i.e., the item is flagged (column 4, lines 5 – 20). A second interrogator monitors for the return of inventory, and updates the database when those items are returned to the library, i.e., the inventory item is de-flagged (column 4 lines 20 – 30). Bowers '134 does not specifically teach the use of bar codes as identifiers, nor does it teach the recordation of asset creating events that the inventory may be involved in.

McWilliam '884 is directed to a system of authenticating signatures on sports memorabilia, wherein a unique item identifier is associated with the memorabilia. With regard to claim 1 of the Davis JR '292 application, McWilliam '884 discloses the use of a unique item identifier that can be either an RF identification tag (McWilliam '884 page 5 line 25 – page 6 line 7) or a bar code (McWilliam '884 page 6 lines 8 – 9), which is used in identifying specific equipment (McWilliam '884 page 5 line 17 – page 6 line 7). McWilliam '884 also teaches the recordation of the item's use in a signing event, i.e., an asset-creating event. See McWilliam '884 page 9 line 17 – 24.

It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the inventory management system of Bowers '134 with the memorabilia authentication method of McWilliam '884 since RF tags and Bar codes are

recognized as equivalents in the prior art. One would be motivated to make such a combination in order to maintain and accurate records and inventories of authentic sports memorabilia. See McWilliam abstract, and Bowers abstract respectively.

Claim 2 of the Application reads as follows:

2. A method of equipment management and identifying assets for a sports team comprising the steps of:
  - a. receiving equipment;
  - b. affixing a barcode to said equipment;
  - c. identifying said equipment by scanning said barcode with the scanning device;
  - d. classifying said equipment into a plurality of equipment groups wherein at least one of said equipment groups is a potential asset group;
  - e. turning the asset flag on for said potential asset group;
  - f. issuing said equipment;
  - g. assigning said equipment to an individual profile;
  - h. turning the flag off for equipment assigned to a non-asset-creating individual/profile;
  - i. recording the return of said equipment after an asset-creating event;
  - j. recording the usage of said equipment in said asset-creating event;
  - k. determining if said equipment is now an asset by checking for an asset flag turned on and use in an asset-creating event; and
  - l. deactivating said asset.

With regard to claim 2, Bowers discloses an inventory control system for use in a library. Unique Radio Frequency (RF) tags are attached to each piece of inventory in the library. See Bowers '134 column 2, lines 1 – 4. Inventory items are identified by an interrogator unit that scans the unique RF tags when they pass through the scanning zone and updates the circulation status of the item in an inventory database. See Bowers '134 column 2, line 59, through column 3, line 5. The inventory is classified into certain groups according to its “article identification information” which can include a library

call number, a predetermined location in the library storage system, and bibliographic data, including title, author, publisher and the like. See Bowers '134 column 10, lines 22 – 48. Items are issued to (“checked out by”) patrons with unique patron identifying devices (column 4, lines 3 – 4) and the database is updated to show that the specific patron has checked out the specific piece of inventory, i.e., the item is flagged (column 4, lines 5 – 20). A second interrogator monitors for the return of inventory, and updates the database when those items are returned to the library, i.e., the inventory item is de-flagged (column 4 lines 20 – 30). Bowers '134 does not specifically teach the use of bar codes as identifiers, nor does it teach the recordation of asset creating events that the inventory may be involved in.

While Bower's '134 does not specifically disclose turning a flag off during the check-out process, such would be obvious to one of ordinary skill in the art, as this is only a means to differentiate the checked out item from the rest of the inventory. As such, the item whose flag is turned “off” is still marked as being different from the rest of the inventory. Thus it is no different from the case of turning the flag “on”. Either of these methods is notoriously well known in the art. One would be motivated to make this inventory differentiating “flag alternation” in order to maintain accurate records of the items in inventory.

McWilliam '884 is directed to a system of authenticating signatures on sports memorabilia, wherein a unique item identifier is associated with the memorabilia. With regard to claim 1 of the Davis, Jr., et al. '292 Application, McWilliam '884 discloses the use of a unique item identifier that can be either an RF identification tag (McWilliam '884 page 5 line 25 – page 6 line 7) or a bar code (McWilliam '884 page 6 lines 8 – 9), which is used in identifying specific equipment (McWilliam '884 page 5 line 17 – page 6 line 7). McWilliam '884 also teaches the recordation of the item's use in a signing event, i.e., an asset-creating event. See McWilliam '884 page 9 line 17 – 24.

It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the inventory management system of Bowers '134 with the

memorabilia authentication method of McWilliam '884 since RF tags and Bar codes are recognized as equivalents in the prior art. One would be motivated to make such a combination in order to maintain and accurate records and inventories of authentic sports memorabilia. See McWilliam abstract, and Bowers abstract, respectively.

Claim 3 of the Application reads as follows:

3. An improved method of managing equipment using an equipment management system capable of detecting a portable unique identifier attached to a piece of equipment and maintaining a database of individuals and the equipment issued to the individuals, the system further capable of classifying equipment into equipment groups and individuals into asset creating individuals and non-asset creating individuals the improved method comprising the steps of: in the equipment management system,
  - a. flagging a piece of equipment assigned to an asset creating individual;
  - b. documenting the occurrence of an asset creating event; and
  - c. designating said piece of equipment an asset.

With regard to claim 3, Bowers discloses an inventory control system for use in a library. Unique Radio Frequency (RF) tags are attached to each piece of inventory in the library. See Bowers '134 column 2, lines 1 – 4. Inventory items are identified by an interrogator unit that scans the unique RF tags when they pass through the scanning zone and updates the circulation status of the item in an inventory database. See Bowers '134 column 2, line 59, through column 3, line 5. The inventory is classified into certain groups according to its “article identification information” which can include a library call number, a predetermined location in the library storage system, and bibliographic data, including title, author, publisher and the like. See Bowers '134 column 10, lines 22 – 48. Items are issued to (“checked out by”) patrons with unique patron identifying devices (column 4, lines 3 – 4) and the database is updated to show that the specific patron has checked out the specific piece of inventory, i.e., the item is flagged (column 4, lines 5 – 20). A second interrogator monitors for the return of inventory, and updates the database when those items are returned to the library, i.e., the inventory item is de-

flagged (column 4 lines 20 – 30). Bowers '134 does not specifically teach assignment of inventory to asset creating individuals nor the recordation of the asset creating event.

McWilliam '884 is directed to a system of authenticating signatures on sports memorabilia, wherein a unique item identifier is associated with the memorabilia. With regard to documenting an asset creating event, McWilliam '884 discloses the recordation of the item's use in a signing event, i.e., an asset-creating event. See McWilliam '884 page 9 lines 17 – 24. According to McWilliam '884, an authenticating representative initially verifies the identity of the autographer prior to the signing of the memorabilia item. As the autographer signs the memorabilia item, a camera captures a photographic or video image of the signing event. See McWilliam '884 page 4 lines 10 – 16. The electronic images may be stored in memory in the form of database records or electronic files. These records and files can also contain signing-related information, including *et alia*, the date and location of the signing, a certificate of authenticity and a unique item identifier. See McWilliam '886 page 5 lines 17 – 25. To further document the asset creating event, the certificate of authenticity can be signed by the authenticating representative and or the autographer. The certificate may also contain a unique identifier that is replicated on the memorabilia item. See McWilliam '886 page 6 lines 12 – 20.

Equipment is assigned to the asset creating individual through database records. The database records can contain signing related information, including the name or team affiliation of the autographer, as well as information related to the encryption, protection or access of images and signing related information by the owner or potential buyer. See McWilliam page 5, lines 17 – 25.

The stored image and certificate of authenticity can then be loaded into a database that is accessible by the owner of the memorabilia item, and potential buyers of the item. The database designates these memorabilia items as assets and provide accurate records as to their ownership and authenticity. See McWilliam '884 page 7 line 7 though page 8 line 26.

It would be obvious to one of ordinary skill in the art at the time the invention was made to combine the inventory management system of Bowers '134 with the memorabilia authentication method of McWilliam '884 in order to maintain accurate records of the authenticity of sports memorabilia, and to inventory it accordingly. One would be motivated to make such a combination in order to maintain accurate records and inventories of authentic sports memorabilia, and due to the interchangeability of the bar codes and RF tags as outlined above. See McWilliam abstract, and Bowers abstract, respectively.

Claim 4 of the Application reads as follows:

4. An improved method of managing equipment using an equipment management system, according to claim 3, further comprising
  - d. making information on the occurrence of the asset creating event as set forth in step b) retrievable through the Internet.

With regard to claim 4, McWilliam '884 discloses the use of a central server that is connected to a network of computers. The connection may be of any type, including a local area network, a wide area network, a metropolitan area network, Ethernet, private network, an intranet, or the Internet. Memorabilia owners can use the network to access images of the asset creating/signing event. See McWilliam page 7 lines 7 – 16.

Claim 5 of the Application reads as follows:

5. An improved method of managing equipment using an equipment management system, according to claim 4, wherein the step of making information on the occurrence of the asset-creating event retrievable through the Internet comprises:
  - e. obtaining the unique identification of the equipment; and
  - f. matching the unique identification of the equipment with the provenance information associated with the unique identification through the Internet.